

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

REC'D 30 JUN 2005

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WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/B2005/051211

International filing date (day/month/year)
13.04.2005

Priority date (day/month/year)
20.04.2004

International Patent Classification (IPC) or both national classification and IPC
G11B7/24

Applicant
KONINKLIJKE PHILIPS ELECTRONICS N.V.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1 bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2005/051211

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2005/051211

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2-10
	No: Claims	1,11,12
Inventive step (IS)	Yes: Claims	2-10
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/IB2005/051211

I). Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1.1) Reference is made to the following documents:

D1: US-A-6 084 850 (GUDESEN ET AL) 4 July 2000 (2000-07-04)

D2: EP-A-0 495 281 (DEL MAR AVIONICS) 22 July 1992 (1992-07-22)

D3: US 2003/030559 A1 (FITZGERALD DAREN JAMES ET AL) 13 February 2003
(2003-02-13)

D4: US-B1-6 385 164 (WINICKI DOUGLAS G) 7 May 2002 (2002-05-07)

1.2) Comparison of the subject matter of present claims 1, 10, 11 and 12 with the disclosure of D1 (see figures 1 and 2; column 1, lines 7 to 27; column 3, line 61 to column 6, line 39; abstract) reveals that an optical storage medium, first and second discs, and a device for reproducing/recording comprising all the features defined in said claims are already known, so that these claims do not meet the novelty requirements of Article 33(2) PCT.

1.3) Although documents D2 to D4 relate to protection sheets of recording media of high density, which protection sheets having to be separated from the media itself in order to be recorded or reproduced, none of these documents discloses nor suggests, even in combination with the disclosure of D1, the subject matter of present claims 2 to 9, so that these claims are considered to meet the novelty and inventive step requirements of Articles 33(2)(3) PCT.

II). Re Item VII

Certain defects in the international application

2.1) A new independent claim should have been drafted in the two-part form, and should have been clearly delimited in view of the nearest prior art which is considered to be

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D1.

- 2.2) Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 to D4 is not mentioned in the description, nor are these documents identified therein.
- 2.3) The description is not in conformity with claims overcoming the above raised novelty objections, as required by Rule 5.1(a)(iii) PCT.
- 2.4) The features of the claims 2 to 12 are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

III). Re Item VIII

Certain observations on the international application

- 3.1) Present independent claim 1 does not meet the clarity requirements of Article 6 PCT, because it is not really clear what is meant by "a layer covered by a surface"; it is not clear what is on the top of the respective first and second discs, and how these discs have to be read or recorded; that means, that it is not clear if the light beam has to impinge the medium through said access surface, or if the light beam impinges directly onto the storage layer.
Nevertheless, even if the claim would have been clarified, the novelty objection raised above would still be valid.
- 3.2) Claim 10 is not clear, because it is not clear how the first and second disc should be defined respectively; In order to define clearly each of said first and second discs, the definition of the first one should refer to the second one and vice versa, so that the only manner of defining the invention is the optical data storage medium comprising the first and second discs.
- 3.3) Claim 11 is also not clear, because it does not define an essential feature which is the separating means; if this is not defined in claim 11, the invention is restricted to a

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International application No.

PCT/IB2005/051211

device for inserting a disc, with a means for positioning and rotating a disc so that the storage layer is readable. This corresponds to a conventional optical disc reader known in the art. The fact to refer to the data storage medium of claims 1 to 10 does not restrict the use of the device to only such kind of medium.

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